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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,727

03/16/2004

Urs Inglin

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1854

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EXAMINER

NGUYEN, TUAN N

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,727	INGLIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuan N. Nguyen	3751	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection as set forth below.

### ***Claim Objections***

2. Claims 1-15 are objected to because of the following informalities: "the siphon insert" on lines 5-6 of claim 1 lacks antecedent basis in the claim; "which" on line 2 of claim 11 should be --the lower end,--; and "a siphon insert" in line 2 of claim 15 appears to be a double inclusion of "the siphon insert" on lines 5-6 of claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 9-21164 (hereinafter *Idota*).

In regard to claim 1, *Idota* discloses an odor trap for a waterless or low-flush urinal with a basin-shaped housing which is connected on an upper end to an inlet (see Fig. 1, about the top left arrow about 36 and right arrow about 44) and on a lower end to an outlet (about the bottom downward arrow about 20) that leads to a drain line, with a siphon (see Fig. 1) that prevents the passage of gas from the outlet to the inlet, wherein

a siphon insert (34) has an overflow pipe (32) with an overflow edge (see Fig. 1), and deodorizing means (50) which is entirely located underneath the inlet and above said overflow edge in an essentially dry area of the odor trap (see Fig. 3), and wherein the deodorizing means odorizes the air underneath the inlet in the essentially dry area (the air about block 50).

In regard to claim 2, the deodorizing means is a deodorizing insert (50).

In regard to claim 3, the deodorizing insert is located under a cover (36).

In regard to claim 4, the deodorizing insert (50) is solid body.

In regard to claim 5, the solid body is a deodorizing block.

In regard to claim 6, the deodorizing insert sits on a screen (the bottom of 44 with holes 48 and wall 46 is considered as a screen).

In regard to claim 7, the screen, on its underside, has backwater means (the bottom wall), by which ascending odors can inherently be deflected outwardly.

In regard to claim 8, the outside of the deodorizing insert, together with the cover, form a circulation space (the space between block 50 and wall 46 together with cover 36) for un-deodorized air.

In regard to claim 9, the deodorizing insert is held in place by fins on a cover (the tabs between holes 48 are considered as fins).

In regard to claim 10, the odor trap further includes a downwardly extending inlet pipe (38) located underneath the inlet.

In regard to claim 11, the inlet pipe has a mouth on a lower end, below which there is an upwardly curving wall (see Fig. 3, the curving wall about the bottom upward curving arrows) of a dip tube.

In regard to claim 12, below the inlet there are circulation openings (48) through which ascending air can circulate.

In regard to claim 13, the deodorizing insert is located in a replaceable siphon insert (34).

In regard to claim 14, the inlet (see Fig. 3, in the inner left and right arrow at the top) is located in a collecting basin (44), which is inserted into a urinal basin.

In regard to claim 15, on the underside of the collecting basin there is a siphon insert (38), which forms a replaceable unit with the collection basin.

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,701,541, WO 2002/072967, and EP 1703031 disclose other odor traps for a urinal.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Nguyen  
Primary Examiner  
Art Unit 3751

TN